

RESOLUTION NO. 2016-129

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA GRANTING A WAIVER, PURSUANT TO NASSAU COUNTY ORDINANCE 99-17, SECTION 15.2.1, TO CHRISTOPHER CHARLES SCROGGIE AND DELLA SUE HOLT.

WHEREAS, Christopher Charles Scroggie and Della Sue Holt own a parcel of property which is located off an unnamed easement off of Poole Road, Hilliard, Nassau County, Florida, described in the Exhibit "A" attached hereto; and

WHEREAS, the unnamed easement is located off of Poole Road, and is described as a 60 foot easement for ingress, egress, and utilities; and

WHEREAS, Christopher Charles Scroggie and Della Sue Holt purchased their property and obtained the right to the sixty foot (60') easement from Ernest David Reynolds and Patricia P. Reynolds; and

WHEREAS, the unnamed easement off of Poole Road is a dirt road easement and is not dedicated to the public nor owned or maintained by Nassau County; and

WHEREAS, Christopher Charles Scroggie and Della Sue Holt applied for a building permit for their property; and

WHEREAS, Nassau County Roadway and Drainage Standard Ordinance No. 99-17, Section 11.2 states that a 60' easement can serve up to five (5) dwelling units and must be paved;

WHEREAS, the Public Works Director denied the request for a variance for the utilization of an unpaved sixty foot (60') dirt road; and

WHEREAS, pursuant to Section 15.2.1 of Ordinance 99-17, after a variance is denied by the Public Works Director, an owner can appeal to the Board of County Commissioners for a waiver and the owners have appealed that decision to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED this 21st day of September, 2016 by the Board of County Commissioners of Nassau County, Florida, that:

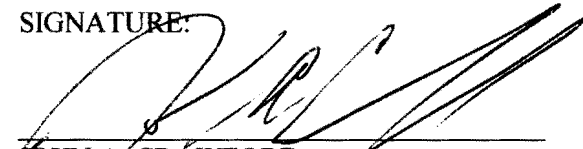
INSTR # 201628906, Book 2077, Page 94
Pages 6
Doc Type UNK, Recorded 10/13/2016 at 02:19 PM,
John A Crawford, Nassau County Clerk of Circuit Court
Rec. Fee \$52.50
#1

1. Based on the presentation by Christopher Charles Scroggie and Della Sue Holt and the facts presented, the denial of the building permit would create a hardship and, based on the standards and objectives of Ordinance 99-17, the waiver is hereby approved.
2. The condition of the granting of this waiver is the execution, by Christopher Charles Scroggie and Della Sue Holt , of the Affidavit attached as Exhibit "B".
3. The granting of this waiver is specific to the facts and conditions applicable to Christopher Charles Scroggie and Della Sue Holt only.
4. This Resolution, by consent of the Board of County Commissioners of Nassau County, Florida, and Christopher Charles Scroggie and Della Sue Holt shall be recorded.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


WALTER J. BOATRIGHT
Its: Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

Exhibit A

WEST ½ OF LOT 35, SECTION 10, TOWNSHIP 3 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA, ACCORDING TO THE PLAT OF THE JOSEPH R. DUNN'S FRUIT AND TRUCK FARMS, RECORDED IN PLAT BOOK B-10, PAGE 48 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

LESS AND EXCEPT THOSE LANDS PREVIOUSLY CONVEYED IN OFFICIAL RECORDS BOOK 1169, PAGE 443 AND OFFICIAL RECORDS BOOK 1380, PAGE 126 OF THE AFOREMENTIONED PUBLIC RECORDS.

TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE FOLLOWING DESCRIBED PROPERTY: A PORTION OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A PK NAIL AND DISC MARKING THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE NORTH 87°38'22" EAST, ALONG THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 1345.86 FEET TO A FOUND ½" IRON PIPE; THENCE NORTH 87°15'07" EAST, CONTINUING ALONG SAID SOUTH LINE (AS MONUMENTED), A DISTANCE OF 605.49 FEET TO THE POINT OF BEGINNING; THENCE, NORTH 02°35'50" WEST, A DISTANCE OF 20.00 FEET; THENCE, NORTH 87°15'07" EAST, A DISTANCE OF 30.00 FEET; THENCE, NORTH 02°35'50" WEST, A DISTANCE OF 1213.51 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF POOLE ROAD (A 40 -FOOT RIGHT-OF-WAY AS MONUMENTED; THENCE, NORTH 88°55'11" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 60.02 FEET; THENCE, SOUTH 02°35'50" EAST, A DISTANCE OF 1211.76 FEET; THENCE, NORTH 87°15'07" EAST, A DISTANCE OF 30.00 FEET; THENCE, SOUTH 02°35'50" EAST, A DISTANCE OF 20.00 FEET TO THE SOUTH LINE OF SAID SECTION 10; THENCE, SOUTH 87°15'07" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

AFFIDAVIT

WE, THE UNDERSIGNED AFFIANTS, DO HEREBY UNDER OATH
ACKNOWLEDGE AND AGREE that:

1. I applied for a waiver, pursuant to Section 15.2 of Nassau County Ordinance 99-17, as amended, in order to pull a building permit on property described in Exhibit "A". The waiver is necessary as the property is located on a 60' non paved easement.
2. My Property is located on an unnamed easement off of Poole Road.
3. Nassau County did not construct, inspect nor approve the construction of the easement or the utilization of the easement for access.
4. The easement is not dedicated to the public.
5. Nassau County does not maintain the easement nor will it maintain the easement.
6. The responsibility for maintenance of the easement rests with me and the other property owners and/or the developer.
7. Emergency response and/or response times may be adversely affected based upon the maintenance of the easement.
8. My Property is not in a platted subdivision, and the County cannot make any assertions as to the adequacy of drainage and there is no approved stormwater management plan.
9. The term "maintenance" shall include, but not be limited to, repairing the road surface, clearing obstructions, grading or scraping the road as necessary, cleaning or recutting ditches as necessary, trimming brush along the roadside, unplugging or opening culverts or drainpipes, and performing any and all necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles.

Under penalties of perjury, I declare the above statements to be true to the best of my knowledge and belief.

Dated

9/29/16

Exhibit "B"

Witnesses:

[Signature]
ANDY COBB
Printed Name of Witness

[Signature]
CHRISTOPHER CHARLES SCROGGIE

[Signature]
BOB STEBBINS
Printed Name of Witness

Witnesses:

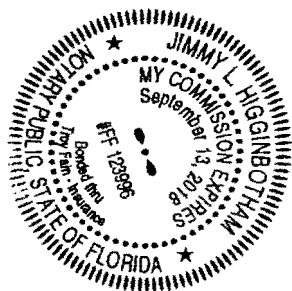
[Signature]
ANDY COBB
Printed Name of Witness

[Signature]
DELLA SUE HOLT

[Signature]
BOB STEBBINS
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 29 day of SEPT, 2016
by Christopher Scroggie and Della Sue Holt, who are personally known to be or
who have produced _____ as identification and who did take an oath.



[Signature]
Notary Public
State of Florida at Large
My Commission expires: 9-13-18

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